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OCT 21 2005 Paper No. 9

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD VA 22116

In re Application of:
Min-Shen Hsu et al.
Serial No.: 09/330,034
Filed: January 24, 2002
Title: SUPPORTING APPARATUS

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the petition filed on October 26, 2004, to withdraw the holding of abandonment of the above-identified application.

The petition to withdraw the holding of abandonment is **DISMISSED**.

This application was held abandoned for failure to timely file a reply to the non-final Office action of February 4, 2000. A Notice of Abandonment was mailed on November 3, 2000.

Petitioner states that, on September 10, 2004, he contacted the USPTO/OIPE due to the failure to receive a Filing Receipt for the application and was informed that the application had become abandoned. Petitioner declared that he did not receive any communication from the USPTO "except for a Notice of Recordation and Assignment Document mailed on 08/24/1999 (Appendix 1)." The Appendix 1 referred to in the petition appears to be a copy of the log of the contents of the instant application with an attorney docket number PMX-P0074-USA. There are 16 entries in the log and only six of them contain wordings in English. It is asserted that a check on the PAIR system failed to provide any information on the application. Accordingly, as of the filing of the petition, petitioner could not ascertain when and why the application was held abandoned.

A review of the application file indicates no irregularity in the mailing of the non-final Office action and the Notice of Abandonment, and in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the correspondence address of record. This presumption may be overcome by a showing that the Office action was not received at the correspondence address of record at the time the Office action was mailed. Consequently, petitioner must establish that the non-final Office action was not received at the correspondence address provided when the application papers were originally filed.

The showing of record does not establish that the petitioner did not receive the Office action at the petitioner's correspondence address at the time the Office action was mailed. The non-final Office action was not mailed to the petitioner's current address. Rather, it was mailed to 3F, No. 50, Lane 46, Min Shen Rd, Taipei Hsien, Taiwan - the correspondence address of record at that time. After the mailing of the Office action and of the Notice of Abandonment, a Change of Address was submitted on December 26, 2000, to the address of 5F, No. 389, Fu-Ho Rd., Yunghe City, Taipei Hsien, 234 Taiwan, R.O.C. The correspondence address was changed again on July 11, 2002, to NAIPO, P.O. Box 506, Merrifield, VA 22116. On March 1, 2005, the same correspondence address was designated using customer number 27765. While the petition asserts non-receipt, it fails to indicate the exact correspondence address where it is asserted that the Office action was not received. This is necessary because the evidence of record indicates that petitioner may have moved from the original address of record at the time the Office action was mailed without promptly informing the USPTO. Furthermore, the one-page copy of the log record identifies what appears to be the docket number as "PMX-P007-USA," this docket number was not used on papers transmitted to the USPTO until the filing of an IDS on April 12, 2002. The papers filed with the USPTO prior to April 12, 2002, identify the docket number as "PMX074." Since the copy of the log contains mostly information not written in English, an explanation of the entries and their significance in forming the evidence showing of non-receipt is required along with an explanation whether the two docket numbers indicated above have been used interchangeably and whether the Office action was not matched with the petitioner's file record due to the difference in the two docket number used.

Petitioner must establish that the Office action was not received at the correspondence address of record at the time the Office action was mailed, namely, the address provided in the originally filed Declaration and Power of Attorney and that, at the time of the mailing of the Office action, petitioner received the mail at that address. The petition should also indicate when petitioner's address was changed to 5F, No. 389, Fu-Ho Rd., Yunghe City, Taipei Hsien, 234 Taiwan, R.O.C. Furthermore, petitioner must provide a copy of the docket record(s) where the Office action would have been logged had it been received at the address of record at the time the Office action was mailed, explanation of the log and how entries are made is required, especially if the information and entries were not in English.

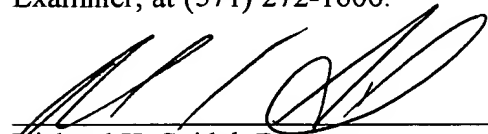
Since the petitioner has not made the requisite showing, the holding of abandonment is deemed proper. The petition to withdraw the holding of abandonment must be dismissed.

Any request for reconsideration of this decision must be submitted within two months of the date of this decision in order to be accepted as being timely filed.

Petitioner may wish to consider filing a petition to revive under 37 CFR 1.137. Inquiries regarding filing a petition to revive should be directed to the Office of Petitions.

Copies of the Office action and the Notice of Abandonment are enclosed for petitioner's record.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.



Richard K. Seidel, Director
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

Enclosures: - Copy of non-final Office action of February 4, 2000
 - Copy of Notice of Abandonment of November 3, 2000



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/330,034 06/11/99 MIN-CHEN H PMX-074

WINSTON HSU
3F NO 50
LANE 46 MIN SHENG RD
TAIPEI HSIEN
TAIWAN

MM22/0204

EXAMINER

VU, H

ART UNIT

PAPER NUMBER

2833

AIR MAIL

DATE MAILED:

02/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/339,034

Applicant(s)

Mair-Chen et al

Examiner

Hinkle

Group Art Unit

2833

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-10 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-10 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 2833

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

The specification is objected to under 37 CFR 1.71 because failing to provide an adequate written description of the invention.

Page 4, lines 23-25, the phrase "supporting...lifespan" is unclear as to how the supporting apparatus 10 with the steel tube and wire ropes can be bent at 180 degrees and to be fixed at any position. Also lines 31-32 of page 4 and lines 1-3 of page 5, the phrase "the supporting...lifespan" is unclear as to how the device can be maintained at the bent or rotated position since the material of the tube is steel. Applicant should clarify those in the amendment.

Art Unit: 2833

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 1, the phrase "for supporting... car" is unclear as to what is meant by "for supporting an electric device" and it is unclear what is "comprising"; lines 6-10, the phrases "a flexible...separately" and "a plurality...separately" are confusing and unclear; lines 16-20, the recitations of "wherein...position" are unclear since such features are not adequately described in the specification or shown in the drawings. Claim 4 features is confusing and unclear. Claim 6, line 2, "one ends" should be --one of said ends--; line 4, "together" should be --to said rigid plastic head piece--. Claim 7, lines 6, "ends" should be --end--.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan.

5. Insofar as the claims can be understood due to the indefiniteness, Fan is applied as follows; Fig. 1 shows a plug (26, 34) a steel tube 28, a plurality of flexible wires 36 and a cover 49. Any differences from Fan would have been an obvious matter of design choice.

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6. Claims 7 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
7. Feldman, Wharton and Van der Laar are cited for disclosure of plug connectors.
8. Any inquiry concerning this communication should be directed to Hien Vu at telephone number (703) 308-2009.

Vu/dc
January 28, 2000


Hien Vu
Primary Examiner

Notice of References Cited

Application No.

Applicant(s)

Examiner

Group Art Unit

Page ____ of ____

U.S. PATENT DOCUMENTS

*	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,860,824	11/1999	Fan	439	534
B	4,325,599	4/1982	Feldman	439	669
C	5,131,869	7/1992	Wharton	439	669
D	5,1090,921	2/1992	Van der Laar	439	668
E					
F					
G					
H					
I					
J					
K					
L					
M					

FOREIGN PATENT DOCUMENTS

*	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
O						
P						
Q						
R						
S						
T						

NON-PATENT DOCUMENTS

*	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U		
V		
W		
X		

* A copy of this reference is not being furnished with this Office action.
(See Manual of Patent Examining Procedure, Section 707.05(a).)



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Washington, D.C. 20231

09/330,034	05/11/99	MIN-CHEN	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO. 074
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WINSTON HSU
3F NO 50
LANE 46 MIN SHENG RD
TAIPEI HSIEN
TAIWAN

MMC2/1103

VU	EXAMINER
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ART UNIT 333	PAPER NUMBER
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AIR MAIL

13/03/00

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper response to the Office letter mailed on 2/4/00.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- ☒ No response has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.
- ☐ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

Hien Vu

Hien Vu
Primary Examiner